

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Makoto Toyota et al.

Group Art Unit: 2821

Appln. No. : 10/806,178

Examiner: Minh D. A

Filed : March 23, 2004

Confirmation No.: 2011

For : ILLUMINATION APPARATUS, AND AN ILLUMINATION HEAD AND
POWER SOURCE DEVICE USED THEREFORE

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop AF
Randolph Building
401 Dulany Street
Alexandria VA 22314

Sir:

In response to the Final Official Action of May 17, 2007, and concurrently with the filing of a Notice of Appeal, Applicants respectfully request a pre-appeal brief panel to review and withdraw the outstanding rejection. Further, Applicants request an indication of the allowability of all claims pending in the present application in view of the herein contained remarks.

Remarks begin on page 2 of this paper.

REMARKS

Applicants respectfully traverse the Examiner's rejection of claims 4-9 and 13-15 under 35 U.S.C. § 112, 2nd paragraph as failing to set forth the subject matter which Applicants regard as their invention, and the rejection of claims 4-9 and 13-15 under 35 U.S.C. § 102(e) as being unpatentable over Dygert (U.S. Patent No. 6,864,641). Applicants submit the following, as examples of clear legal and factual deficiencies in the outstanding rejection:

A. 35 U.S.C. §112, 2nd paragraph rejection of claims 4-9 and 13-15

In the Final Office Action, the Examiner rejected claims 4-9 and 13-15 under 35 U.S.C. §112, 2nd paragraph on the grounds that the term "exchangeable" was indefinite. Although Applicants do not believe that the rejection is proper, in the Amendment under 37 C.F.R. §1.116 filed on August 16, 2007, Applicants amended claims 4-6 to remove the term "exchangeable". Thus, Applicants respectfully request withdrawal of the 35 U.S.C. §112, 2nd paragraph rejection.

B. Dygert does not disclose an illumination head comprising, or including, a current detection resistor, as recited in Applicants' claims 4-6.

Examiner's position: Dygert's resistors R20-R22 read on Applicants' claimed "current detection resistor".

Applicants' position: Applicants respectfully submit that Dygert's resistors R20-R22 are not part of an illumination head, as recited in Applicants' independent claims 4-6. Rather, Applicants submit that Dygert's resistors R20-R22 are part of the current regulating circuit 104, which is separate from Dygert's illumination head (LED array 102). See, e.g., Figures 1-5 of Dygert.

C. Dygert does not disclose an illumination head having an output terminal that outputs a voltage drop across a current detection resistor, as recited in Applicants' claim 4-6, or a power source device having an input terminal that connects to such an output terminal, as recited in Applicants' claim 6.

Examiner's position: The Examiner does not specify where he believes these features to be shown in Dygert.

Applicants' position: Since Dygert does not disclose an illumination head having a current detection resistor, as argued above, Applicants submit that Dygert does not disclose an illumination head having an output terminal that outputs a voltage drop across such a current detection resistor.

D. Dygert does not disclose a power source device which is configured to provide a rated current to a plurality of different illumination heads having different rated currents, as recited in Applicants' claims 4-6.

Examiner's position: Dygert's current regulating circuit 104 controls the intensity of LEDs based on the duty ratio of voltage levels of inputs signals.


Applicants' position: Applicants submit that Dygert's resistors R20-R22 are part of the current regulating circuit 104 (not part of an illumination head, as in Applicants' claimed inventions), and their resistances are fixed. Thus, assuming, *arguendo*, that one could replace Dygert's illumination head (LED array 102) with another illumination head having a different rated current, Applicants submit that Dygert's current regulating circuit 104 would not be capable of supplying the new illumination head with its rated current, because the resistors R20-R22 are fixed and their resistance values are not designed to generate a voltage drop equal to a predetermined reference potential when a rated current is supplied to the LEDs in the LED array

SUMMARY AND CONCLUSION

For at least the reasons given above, Applicants believe that the present application is in condition for allowance, and respectfully request an indication to that effect.

Should the Examiner have any questions or comments regarding the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Makoto Toyota et al.



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